

JS 44C/SDNY
REV. 2/2016

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

ALYECE CUMMINGS and DANIEL LAPKA, Individually and On Behalf of
All Others Similarly Situated

DEFENDANTS

CHESAPEAKE ENERGY CORP., AMGS, L.L.C., CARMEN ACQUISITION,
L.L.C., CHESAPEAKE AEZ EXPLORATION, L.L.C., CHESAPEAKE
APPALACIA, L.L.C., CHESAPEAKE EAGLE CANADA CORP.,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Gardy & Notis, LLP, Tower 56, 126 E. 56th St., NY, NY 10022 212-905-0509
Grant & Eisenhofer P.A. 485 Lexington Ave., NY, NY 10017 646-722-8500

ATTORNEYS (IF KNOWN)

N/A

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Class action alleging violations of the Trust Indenture Act of 1939, 15 U.S.C. Section 77aaa, et seq., breach of contract, declaratory judgment

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

| TORTS | | ACTIONS UNDER STATUTES | | | |
|-----------------------|-------------------------------|------------------------------|---------------------------|----------------------------------|------------------------------|
| CONTRACT | PERSONAL INJURY | PERSONAL INJURY | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
| [] 110 INSURANCE | [] 310 AIRPLANE | [] 367 HEALTHCARE/ | [] 625 DRUG RELATED | [] 422 APPEAL | [] 375 FALSE CLAIMS |
| [] 120 MARINE | [] 315 AIRPLANE PRODUCT | PHARMACEUTICAL PERSONAL | SEIZURE OF PROPERTY | 28 USC 158 | [] 376 QUI TAM |
| [] 130 MILLER ACT | LIABILITY | INJURY/PRODUCT LIABILITY | 21 USC 881 | [] 423 WITHDRAWAL | [] 400 STATE |
| [] 140 NEGOTIABLE | [] 320 ASSAULT, LIBEL & | [] 365 PERSONAL INJURY | [] 690 OTHER | 28 USC 157 | REAPPORTIONMENT |
| [] 150 INSTRUMENT | [] 320 ASSAULT, LIBEL & | [] 365 PERSONAL INJURY | | | [] 410 ANTITRUST |
| [] 150 RECOVERY OF | SLANDER | [] 368 ASBESTOS PERSONAL | | | [] 430 BANKS & BANKING |
| OVERPAYMENT & | [] 330 FEDERAL | INJURY PRODUCT | | | [] 450 COMMERCE |
| ENFORCEMENT | EMPLOYERS' | LIABILITY | | | [] 460 DEPORTATION |
| OF JUDGMENT | LIABILITY | | | | [] 470 RACKETEER INFLU- |
| [] 151 MEDICARE ACT | [] 340 MARINE | PERSONAL PROPERTY | | PROPERTY RIGHTS | ENCED & CORRUPT |
| [] 152 RECOVERY OF | [] 345 MARINE PRODUCT | [] 370 OTHER FRAUD | | [] 820 COPYRIGHTS | ORGANIZATION ACT |
| DEFAULTED | LIABILITY | [] 371 TRUTH IN LENDING | | [] 830 PATENT | (RICO) |
| STUDENT LOANS | [] 350 MOTOR VEHICLE | | | [] 840 TRADEMARK | [] 480 CONSUMER CREDIT |
| (EXCL VETERANS) | [] 355 MOTOR VEHICLE | | | | [] 490 CABLE/SATELLITE TV |
| [] 153 RECOVERY OF | PRODUCT LIABILITY | | | SOCIAL SECURITY | |
| OVERPAYMENT | [] 360 OTHER PERSONAL | [] 380 OTHER PERSONAL | LABOR | [] 861 HIA (1395ff) | [] 850 SECURITIES/ |
| OF VETERAN'S | INJURY | PROPERTY DAMAGE | [] 710 FAIR LABOR | [] 862 BLACK LUNG (923) | COMMODITIES/ |
| BENEFITS | [] 362 PERSONAL INJURY - | [] 385 PROPERTY DAMAGE | STANDARDS ACT | [] 863 DIWC/DIWW (405(g)) | EXCHANGE |
| STOCKHOLDERS | MED MALPRACTICE | PRODUCT LIABILITY | [] 720 LABOR/MGMT | [] 864 SSID TITLE XVI | |
| SUITS | | | RELATIONS | [] 865 RSI (405(g)) | |
| [] 190 OTHER | ACTIONS UNDER STATUTES | PRISONER PETITIONS | [] 740 RAILWAY LABOR ACT | | [x] 890 OTHER STATUTORY |
| CONTRACT | CIVIL RIGHTS | [] 463 ALIEN DETAINEE | LEAVE ACT (FMLA) | FEDERAL TAX SUITS | ACTIONS |
| CONTRACT | [] 440 OTHER CIVIL RIGHTS | [] 510 MOTIONS TO | [] 751 FAMILY MEDICAL | [] 870 TAXES (U.S. Plaintiff or | [] 891 AGRICULTURAL ACTS |
| PRODUCT | (Non-Prisoner) | VACATE SENTENCE | 751 FAMILY MEDICAL | Defendant) | |
| LIABILITY | [] 441 VOTING | 28 USC 2255 | LITIGATION | [] 871 IRS-THIRD PARTY | [] 893 ENVIRONMENTAL |
| [] 196 FRANCHISE | [] 442 EMPLOYMENT | [] 530 HABEAS CORPUS | [] 790 OTHER LABOR | 26 USC 7609 | MATTERS |
| | [] 443 HOUSING/ | [] 535 DEATH PENALTY | SECURITY ACT (ERISA) | | [] 895 FREEDOM OF |
| REAL PROPERTY | [] 443 HOUSING/ | [] 540 MANDAMUS & OTHER | | | INFORMATION ACT |
| [] 210 LAND | [] 441 VOTING | | IMMIGRATION | | [] 896 ARBITRATION |
| CONDEMNATION | [] 442 EMPLOYMENT | PRISONER CIVIL RIGHTS | [] 462 NATURALIZATION | | [] 899 ADMINISTRATIVE |
| [] 220 FORECLOSURE | [] 443 HOUSING/ | [] 550 CIVIL RIGHTS | APPLICATION | | PROCEDURE ACT/REVIEW OR |
| [] 230 RENT LEASE & | ACCOMMODATIONS | [] 555 PRISON CONDITION | [] 465 OTHER IMMIGRATION | | APPEAL OF AGENCY DECISION |
| EJECTMENT | [] 445 AMERICANS WITH | [] 560 CIVIL DETAINEE | ACTIONS | | [] 950 CONSTITUTIONALITY OF |
| [] 240 TORTS TO LAND | DISABILITIES - | CONDITIONS OF CONFINEMENT | | | STATE STATUTES |
| [] 245 TORT PRODUCT | EMPLOYMENT | | | | |
| LIABILITY | [] 446 AMERICANS WITH | | | | |
| [] 290 ALL OTHER | DISABILITIES -OTHER | | | | |
| REAL PROPERTY | [] 448 EDUCATION | | | | |

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | |
|--------------------------|------------------------|---|------------------------|---|------------------------|
| CITIZEN OF THIS STATE | PTF DEF [] 1 [] 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF DEF [] 3 [] 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF DEF [] 5 [] 5 |
| CITIZEN OF ANOTHER STATE | [] 2 [] 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [] 4 [] 4 | FOREIGN NATION | [] 6 [] 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 3/30/2016

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 11 Yr. 2004)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form

Save

Print